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THE EARLY ENGLISH STATUTES

THE English statutes printed before 1600 fall into three general classes: first, collections of statutes; second, abridgments; third, session-laws. These will be separately considered.

I. COLLECTIONS

Nova Statuta

The English statutes, beginning with Magna Carta, were widely circulated in manuscript before the time of printing; numerous manuscripts are found to-day in the large libraries.¹ It is the more surprising that the earliest printed statutes do not begin with Magna Carta, but with the statutes of Edward III. The first to be printed (except the great Abridgment, which will be mentioned later) was the volume entitled "Nova Statuta," printed probably by Machlinia in 1485. It is made up of an alphabetical table of 40 leaves; The Statutes of Edward III, 66 leaves; of Richard II, 50 leaves; of Henry V, 20 leaves; Henry VI, 83 leaves; and Edward IV, 51 leaves; the last session printed is 22 Edward IV. It consists, therefore, of a book of 310 leaves, without title or colophon.

This was reprinted with the same title, twenty years later, by Pynson. This book also has no title-page; it has, however, a short colophon stating the printer's name, and his device. It consists of 297 leaves.

MAGNA CARTA

A demand evidently existed, however, for all the statutes; and as early as 1508 Pynson began the publication of the earliest statutes, under the title "Magna Carta." The form which became typical in the earlier editions was a title-page, followed by a calendar in red and black, and then the statutes, Magna Carta being

¹ The Harvard Law School, for example, has many such manuscripts.

² It is not quite accurate to say that this title was given in 1508. The only known copy of this edition lacks the title-page and calendar; and in the colophon the book is called Antiqua Statuta. The name Magna Carta is first found in the colophon to the edition of 1519. It was a common title in the MSS.

given as it had been reënacted by Edward I. It is a narrow 12°. Of this early edition (the colophon speaks as if there had been a still earlier one) only a single copy is known, at the British Museum. Pynson issued editions also in 1514 and 1519; Berthelet in 1531; Redman in 1534 and 1539, and his widow an undated copy; Petit in 1542; Marsh in 1556 (and what is apparently the identical edition, omitting the date); and Tottel in 1556 (two editions), in 1576 (two editions), and in 1587.

In connection with the Magna Carta, the later printers often separated the work into two parts, beginning the "Secunda Pars Veterum Statutorum" with a new title-page and register. This seems commonly to have been done after 1530.

THE GREAT BOOK OF STATUTES

In succession to the Nova Statuta, but brought down to date, and printed in a very thick, ponderous folio, is the "Great Book of Statutes," first published without date by Robert Redman, between 1535 and 1540, and reissued about ten years later by William Middleton. This was a dignified and noteworthy book. It is ornamented by the well-known cut of the king on his throne, surrounded by his counsellors.

THE STATUTES

In 1543 Berthelet issued in two volumes all the statutes, from 1225 (the Magna Carta of Henry III) to date; the first volume, consisting of the statutes through Henry VII, having as title: "In this Volume are conteined the statutes made and established from the time of King Henry the Thirde unto the first yere of the reigne of our most gracious and victorious soveraigne lorde Kyng Henry the VIII." The second volume, with a separate title-page and table, contained the years of Henry VIII to the date of issue, as they had been separately printed. The same volume was reissued by Henry Wykes in 1551, and again in 1564; and anonymously, but doubtless by Tottel, in 1577.4

³ When one speaks of two editions in the same year, one must remember that the title-page may have been copied *litteratim*, date and all, in a later edition; so that the two editions purporting to have been issued in 1556 may well have been published in different years.

⁴ This seems to be certain, as Tottel's name occurs in the corresponding second volume in the same year.

THE STATUTES AT LARGE

A similar work, entitled "The Whole Volume of Statutes at Large," was printed by Barker in 1587, and has often been reprinted since 1600.

THE COLLECTED SESSION-LAWS

In several instances, as has been said, the session-laws during a certain period were collected into a volume, with a title-page and table. This new matter (title-page and table) should therefore be assigned to this class. Berthelet (twice), Powell, and Marsh printed such titles for the Session-laws of Henry VIII; Berthelet for those of Edward VI; and Tottel for the sessions from the first of Edward VI to the fourteenth of Elizabeth.

II. ABRIDGMENTS

THE GREAT ABRIDGMENT

Meanwhile lawyers generally were using one or the other of two handy alphabetical digests of the statutes. The earlier of these was called the "Abridgment," and soon, to distinguish it probably from the abridgments of the annual session-laws, the "Great Abridgment." The first edition was printed by Lettou and Machlinia about 1480, without title-page or colophon, in the same type as the *editio princeps* of Littleton's Tenures; after a four-leaf table come the statutes, alphabetically arranged, in 103 leaves.

In 1499 Pynson reprinted this work in two distinct impressions; a table of eight leaves, without title-page, was followed by the text in 188 pages. The two impressions differ minutely in the colophon and in other particulars.

Later editions were published by Pynson in 1521 and 1528; by J. Rastell in 1527 and 1528; by Redman in 1528 and three times without date; by W. Rastell in 1533; by Middleton in 1542; by Petit in 1542; by Kele, Powell, and Seres in 1551.

RASTELL'S STATUTES

Another collection of all the statutes, digested alphabetically, finally superseded the Great Abridgment. It was introduced by a preface by William Rastell, and from the preface was known as Rastell's Statutes. The title-page read: "A Collection of all the statutes, from the beginning of Magna Carta unto the vere" of

publication. The first known edition, by Tottel in 1557, is in the British Museum. Tottel also printed two or three editions in 1559, and others in 1565, 1568, 1572, and 1574; Barker or his deputies in 1579, 1583, 1588, 1594; and Wight and Norton in 1594 and 1598.

PULTON'S PENAL STATUTES

"An abstract of all the penall Statutes," alphabetically arranged, was published by Tottel in 1577, by Barker in 1579, 1581, 1586, and without date, and by Jane Yetsweirt in 1596.

ABRIDGMENT OF SESSION-LAWS

While "The Great Abridgment" was at the height of its popularity, between 21 and 33 Henry VIII,⁵ printers who had published the larger work also issued as supplements abridgments of the session-laws. William Rastell, Petit, and Middleton printed each a few years; Redman printed most if not all of them during the time. Copies of this work are naturally very rare.

III. SESSION-LAWS

RICHARD III AND HENRY VII

Many collections of statutes were preserved in manuscript; but so far as is known there is not found a manuscript containing the laws of only a single session of parliament. With the very beginning of printing, however, the laws of a contemporary session were published in print; and from that time the series of session-laws of the parliament of England is unbroken.

The first session so printed was the first year of Richard III. It was issued by Machlinia, and survives apparently in a unique copy in the British Museum.

The years of Henry VII were printed by various printers. 1 Henry VII (which in fact includes laws of the first four years) was first printed anonymously; it has generally been ascribed to Caxton. 6 The later years were printed by his successor Wynkyn de Worde. 7

Other editions of the statutes of this reign were printed by Julian

⁵ The "Handlist of Books printed by London Printers" mentions an abridgment of 18 Henry VIII in the Bibliothèque Nationale in Paris.

⁶ Rae, Caxton's Statutes of Henry the Seventh.

⁷ All the years are in King's College, Cambridge; separate printings of the 11th year are in the British Museum and Harvard.

Notary (the successor of Machlinia), by William Faques, and by Richard Pynson, who was the king's printer.

Notary's edition was uniform, in octavo form, illustrated copiously with woodcuts. Each year has a separate register and colophon, but all are dated 1507.

De Worde printed an edition of all the years which in form was a palpable imitation of Notary's, dated 1508, with a continuous register for all the years.

William Faques, king's printer for a year, printed the eleventh year in a beautiful type, each page being surrounded by a chain border. This is the only statute he seems to have printed; indeed, he died before the next session.

The same year this statute was printed separately by Richard Pynson, who describes himself as "squire and printer unto the king's most noble grace," a position to which he succeeded on the death of Faques. He also printed all the years of the reign with a single register; Harvard has the nineteenth year of this edition, comprising signatures l to n.

HENRY VIII

During the reign of Henry VIII sessions of parliament were held in the following regnal years: 1, 3, 4, 6, 7, 14–15, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34–35, 35, and 37. Each year was printed in a single issue until the 34–35th, when a subsidy act of three signatures with colophon, and the Ordinance of Wales of two signatures with colophon, were separately printed. In the 35th year, a general pardon, in a single signature of four leaves with colophon, was separately printed; and in the 37th, a subsidy act in three signatures with colophon.

At the beginning of this reign Pynson was the undisputed printer of the king; and as such he issued the statutes of the first year (in the British Museum), the third year (in the British Museum and the Harvard Law School), the fourth year (in the same and in the Bodleian Library at Oxford), the sixth year (surviving only in a fragment in the Cambridge University Library), and the twenty-first year (in the British Museum and the Harvard Law School), and conjecturally also the fifth and the fifteenth years, of which no surviving copy has been found. The distinctive feature of these issues is the large capital S (in Statuta), in the shape of a bird's neck and head, which dominates the title-page.

With the publication of the twenty-first year Pynson's printing of the statutes ceased; he died in 1530, soon after printing that year. Several printers at once reprinted the twenty-first year, hoping, no doubt, to succeed Pynson as king's printer. An edition almost exactly identical with Pynson's, containing the same capital S, but lacking the device at the end, has been ascribed to Redman, who secured much of Pynson's type at his death and was constantly imitating his books. John Rastell also printed an edition, imitating the distinctive capital S with a letter formed by a dragon holding a human head in its jaws. Neither of these, however, secured the coveted appointment as king's printer, which went to Thomas Berthelet, and Berthelet printed the statutes during the rest of the reign of Henry VIII.

From the time of his appointment in 1530 Berthelet printed one 8 and sometimes two 9 or three 10 editions of the statutes immediately after the end of the session. In 1536 he reprinted three sessions, 11 and in 1538–39 four sessions. 12 In 1542–43, in connection with his title-page and tables of the latter year, he made a general reprint of the statutes from the beginning of the reign; a reprint of this period has been found for every year up to that time except two, 13—in both these years there had been a very recent reprint, so that another was perhaps not needed; or a copy may sometime turn up. In 1546–47 several years were reprinted. 14 In 1552, in connection with the 1551 title-page and table, another general reprint from the beginning of the reign was undertaken; copies of all the years survive except four, 15 in each of which there had been a special reprint five or six years earlier.

This was Berthelet's last printing. On the accession of Edward VI he had been succeeded as king's printer by Grafton, but had retained what might be called the copyright of the statutes he had printed. On his death this seems to have passed to his nephew, Thomas Powell, who printed a few years in 1556–57, ¹⁶ and then in 1562 a complete edition, with his title-page and table.

⁸ The regnal years 22, 23, 24, 26, 27, 28, 34-35, 35, 37.

⁹ The regnal years 25, 31, 32.

¹⁰ The regnal year 33.

¹¹ The regnal years 22, 23, and 26.

¹² The regnal years 23, 24, 26, 28.

¹⁸ The regnal years 24 and 31.

¹⁴ The regnal years 24, 27, 31, and 34-35.

¹⁵ The regnal years 24, 27, 34-35, 37.

¹⁶ The regnal years 27, 34-35, and 37; note that these were three of the four years of which no existing copy can be identified as of the edition of 1552.

In 1573 Marsh published a complete edition, with a title-page and table, thus completing the editions of these separate years.

It must not be supposed that the dates ascribed to these various editions, or even the names of the printers, are taken from the statutes themselves. Even when a date or a printer's name appears it cannot be trusted; for the typographer who set up the new edition often followed an older copy with slavish exactness, reprinting its name and date. Intrinsic evidence has in most cases to be examined to determine the printer and the date: tricks of expression in title-page and colophon, watermark, format, but especially the condition of the border and woodcuts. Berthelet. and Powell used in most of their years a border made of Greek fretwork, 17 and two woodcuts often occurred, one a dark blockornament,18 the other the so-called "Arma Regis" ornament.19 These were used so long and so hard as to have become much worn; and their various states have been studied with a view to determine the dates of the issue in which one is used. The change in condition of these cuts appears to have occurred during their heavy use in the years of much reprinting. A and X lasted in the first state to about 1533; the second state of A came to an end in 1536, and of X in 1538, years of considerable printing; the next change of state of both occurred while the great edition of 1543 was in progress, and again during the edition of 1552. While investigators might differ as to an example printed during the transition period, the result of the inquiry in every case will fix the date with hardly a doubt.20

EDWARD VI

Five sessions of parliament were held during this reign, in the regnal years 1, 2-3, 3-4, 5-6, and 7. All were printed in a single issue except the session in the first year, in which a general pardon was printed separately, with colophon.

The session-laws of this reign were all originally printed by Richard Grafton, who was made king's printer at the beginning of the reign. A rather complete reprint seems to have been made

¹⁷ Designated in the Table as "A."

¹⁸ Designated "Y."

¹⁹ Designated "X."

²⁰ This method for ascertaining the date of these statutes is to be credited to R. Proctor, of the British Museum staff; see 5 Transactions Bibliographical Society, 255.

about 1552; but with the immediate ending of the reign and the accession of Mary, Grafton was not only removed from his office but thrown into prison. He therefore could not carry out the plan, if he had one, of issuing a complete collection of the laws of the reign; Berthelet did so, however, the title-page and table being dated 1553. No reprint could have been needed during the reign of Mary; but with Elizabeth's accession a demand was created which seems to have been satisfied by a partial reprint early in the reign, and a complete reprint about 1571. These reprints could not have been made by Grafton himself; but his business seems to have passed to his son-in-law, Tottel, who issued, about 1571, a title-page and index of the statutes from the beginning of Edward's reign to the twelfth of Elizabeth's. He must have used for the later statutes issues printed by Cawood and Jugge; but it is a reasonable conjecture that he may have printed the last issues of Edward's statutes.

MARY; PHILIP AND MARY

Sessions of parliament during Mary's reign were held in the first year of Mary (two parliaments), and in the years 1-2, 2-3, and 3-4 of Philip and Mary. Each session was printed in a single issue. John Cawood became "printer of the royal majesty" at the beginning of the reign. Each session was printed several times, apparently during the same year. The reign was too short for a new edition to be called for. About 1570, however, perhaps to supply the demand of Tottel for his publication, there was an edition of all the years.

ELIZABETH

Sessions were held during this reign in the following regnal years: 1, 5, 8, 13, 14, 18, 23, 27, 29, 31, 35, 39, 43. In most of these years one or more acts was printed separately: in the first year a subsidy in three signatures; in the fifth, eighth, and eighteenth, a subsidy in three signatures and a pardon in one; in the thirteenth, a subsidy in two signatures, a special subsidy in three, and a pardon in one; in the twenty-third, twenty-seventh, and twenty-ninth, a subsidy and a pardon in six signatures; in the thirty-fifth, a subsidy of the clergy in two signatures, a subsidy in three, and a pardon in one; and in the forty-third, a subsidy in two signatures, a special subsidy in four, and a pardon in two.

At the beginning of the reign Cawood continued as queen's printer, but Richard Jugge was associated with him in the office. Cawood died in 1570, and Jugge held the office alone until his death a few years later. Christopher Barker was then made queen's printer, and as such printed himself or by his deputies until the end of the century. He was then succeeded by his son Robert Barker, who printed the last of Elizabeth's sessions in 1601.

Of the years printed by Jugge and Cawood several reissues were printed, but there is no sign of a general reprint until about 1571, when the previous years seem to have been reprinted for Tottel's collection. When Barker began to print he seems to have adopted the policy of printing at the first a large enough edition to last. In only two cases does he seem to have made a second printing.

Joseph H. Beale.

HARVARD LAW SCHOOL.

LIST OF LIBRARIES

- B. British Museum.
- C. University Library, Cambridge.
- CH. Library of Trinity Hall, Cambridge.
- CJ. Library of St. John's College, Cambridge.
- CK. Library of King's College, Cambridge.
- CM. Pepysian Library, Magdalen College, Cambridge.
- CP. Library of Pembroke College, Cambridge.
- CT. Library of Trinity College, Cambridge.
 - H. Library of the Harvard Law School.
 - I. Library of the Inner Temple.
 - J. Private library of J. P. Morgan.
 - L. Library of Lincoln's Inn.
 - M. Library of the Middle Temple.
 - N. Private library of H. E. Huntington.
 - O. Bodleian Library of Oxford University.
- OA. Library of All Soul's College, Oxford.
- OB. Library of Brasenose College, Oxford.
- OC. Library of Corpus Christi College, Oxford.
- OE. Library of Exeter College, Oxford.
- OQ. Library of Queen's College, Oxford.
 - P. Lambeth Palace Library.
 - R. John Rylands Library, Manchester.
- W. Library of Congress.

TABLE OF THE STATUTES

I. Collections

				THE RESIDENCE OF THE PROPERTY
Name	Printer	Date	Libraries	Distinguishing Marks
Nova Statuta	Machlinia	c. 1485	B:C:H:I:J:N:O: OA:OB:OC:R	
	Pynson	C. 150c	C:H:O	
Magna Carta	Pynson	1508	B:N:0	
	Pynson	1514	B:H	
	Pynson	1519	B:C:H:N:R	
	Pynson	1527	Handlist	
	Redman	1529	B:H:N:0	
	Berthelet	15311	H	¶ Impressus Londini
	Berthelet	15312	B:H:0	Impressus Londini
	Berthelet	1541	0:H	
	Redman	1525	0	
	Redman	1534	B:H	
	Eliz. Redman	[1540]	B:C:H:O	
	Petit	1542	B:CJ:CP:H:N:O	
	Marsh	1556	B:CP:H:00	
	Tottel	15561	B: H:N	12 Iun. 1556
	Tottel	15562	B:CT:N	12 Inn. 1556
	Tottel	15761	B:C:H:N	¶ Magna Charta
	Tottel	15762	H	√ Magna Charta
	Tottel	1587	0:N:H	
Secunda Pars	Berthelet	1532	B:H:0	
	Redman	1539	H	
	Berthelet	1540	Н	
	Marsh	1556	CP:H	
	Tottel	1556	B:CT:H	
GREAT BOOK	Redman	n. d.	Н	
	Middleton	n. d.	B:H	

TABLE OF THE STATUTES—Continued

Name	Printer	Date	Libraries	Distinguishing Marks
STATUTES TO HENRY VIII	Berthelet Wykes	1543	B:CJ:H:O H CI:N	in officina Thomae Berthe-
STATUTES AT LARGE COLLECTED STATUTES HENRY VIII	Wykes Wytes Barker Berthelet Berthelet	1577 1587 1543 1551	B:H:N B:CJ:CP:H B:C:CJ:H B:H	
EDWARD VI	Marsh Berthelet Tottel	1575 1553 [1571]	B: N B: C B: C: CH: H: N	
		П.	II. Abridgments	
THE GREAT ABRIDGMENT	[Lettou & Machl.] Pynson Pynson	n. d. 1499 ¹ 1499 ²	B:CJ:0:0A:R B:H:J C:H:R	(Colo.) Explicit abbreviamentum (Colo.) Explicit abbreviamentū
	Fynson Pynson J. Rastell J. Rastell	1521 1528 1527 1528	B:C:H B:C:R B:H:O:R C:H:P	
	W. Rastell Redman Redman Redman	1533 1528 n. d. [1534] n. d. [1538]		Le bregemët ¶: The greate abbrydgement Colo. ¶ Imprynted by R. R.
	Redman Middleton Petit [Gaultier] Powell Gaultier-Kele Gaultier-Seres	n.d.* 1542 1542 1551 1551	H S C : H : O H : N H : N H : O C : C : C : C : C : C : C : C : C :	

TABLE OF THE STATUTES—Continued

Distinguishing Marks	1557.)¶. In aedibus R. T. 1557)In aedibus R. T.
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Date	1557 1557/91 1557/92 1565 1566 1572 1574 1579 1583 1.584 1594 1594 1594 1595 1598 1596 1596 1598 1596 1597
Printer	Tottel Tottel Tottel Tottel Tottel Tottel Tottel Tottel Barker Tottel Barker Barker Barker Barker
Name	RASTELL'S STATUTES PULTON'S PENAL STATUTES

TABLE OF THE STATUTES—Continued

Distinguishing Marks									■ Imprynted at London in Fletestrete	■ Imprynted by me	• Imprynted at London in Fletestrete	■ Imprinted by me		• The Abregement	■ The abregement			
Libraries		C	ပ	B:H	C:P	H	ပ	H	ပ	H	ပ	Н	B:C	В	ن د	B:C	B:H	B:H
Date		n. d.	n. d.	n. d.	n. d.	1534	n. d.	n. d.	n. d.¹	n. d.²	n. d. 1	n. d.²	n. d.	n. d.1	n. d.²	n. d.	1542	n. d.
Printer		[Redman]	Redman	[W. Rastell]	E. Redman	W. Rastell	Middleton	Redman	Redman	Redman	Redman	Redman	Redman	Redman	[Redman]	E. Redman	Petit	Middleton
Name	SESSION-LAWS	21 HENRY VIII	22	22	23	23-24	24-25	24-25	26	26	27–28	27-28	30	31	31	32	33	33

III.—SESSION-LAWS

	Distinguishing Marks													Title in 18 lines: Colo. I. B. r. 1. excud.				Soverayn: Colo: T. B. r. i. excud.	Soverayne: Colo. T. B.		Soverayne: Colo. T. B. r. i. excud.		
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i. OLUGULOIN	Colla.	A-B	$A-\bar{E}$	A-I A-F	⋖ ∢	A-E	$egin{aligned} ext{Aa-Gg} \ ext{A-D} \end{aligned}$	A-C	A-E	A-S	a-n		A-D	A-B	A-B	A-B	A-E	A-I	A-I	A-I	A-C	A-C	A-B
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SESSION-LAWS—Continued

Libraries Distinguishing Marks	B:H Device at end. No device.	B:C:CJ:H Colo. Bertheleti H Colo. Bertholeti	B:H B:H	B Anno XXII. Colo. T. B.	B : C : CI : H Anno vicesimo secundo. Title l. 20. primū	Fourth line of title, Statu	B:H Anno vicesimo secundo. Title l. 20, primum B·C·H	H:H:	,	B:CJ Colo. LImprynted	B:C:CI:H	B: H _ [L to R] God save the Kynge.	B:C:H B [I to R] God save the Kunge [I to I]		ļ	B:C:CJ:H Parliament	T:): M	B [L to L] Londini	Londini	B:C:CJ:H [L to R] Londini. Typis	H (L to K) Londini.	B	B Parlyament. Device of Lucrece
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Printer	Pynson [Redman]	Berthelet Berthelet	[Powell] [Marsh]	Berthelet	Berthelet Berthelet	Berthelet	Berthelet Powell	[Marsh]	Berthelet	Berthelet Berthelet	Berthelet	Berthelet	[Powell]	Berthelet	Berthelet	Berthelet [Powell]	[Marsh]	Berthelet	Berthelet	Berthelet Demtholot	Del Lifelet [Powell]	[Marsh]	Berthelet
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SESSION-LAWS—Continued

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	Printer	Berthelet [Powell]	Berthelet	Berthelet	[Powell] [Powell]	[Marsh] Berthelet	Berthelet [Powell]	[Marsh] Berthelet	Powell	Powell [Marsh]		Grafton	Grafton	Gratton	Tottell	[Tottel]	Grafton	Grafton	Criation	[Tottel]	Grafton	Grafton
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SESSION-LAWS—Continued

	Distinguishing Marks	Anno III: Edwardi sexti Anno III: Edwardi sfxti Colo. Mense Aprili MDLII Colo Mense Aprili 1552 Anno quinto. Colo Mense Iunii MDLII Anno quinto. Colo. Mense Iunii MDLII Anno quinto. Colo. Mense Iunii MDLII Parlament Parlament Parlamente Parliamente	Actes: begonne: catchword a ii, or Actes: begonne: catchword a ii, by Actes: begon Actes: begun ¶Actes: begun Parliament Parlyamente Colo. ¶Excusum	Table (reverse of title): An Act touchyng Table: An Acte touchinge Colo. Excusum Colo. ¶Excusum Begon
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SESSION-LAWS—Continued

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SESSION-LAWS—Continued

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Colla.	A-I A-E, A-C, F A-I A-G, A-B, A-C, 4	A-G, A-B, A-C, t	A-G, A-B, A-C, € A-M A-D A-D A-F, A-C, A	A-K A-I, Aa-Dd, C A-I, Aa-Ff A-B, Aa-Ff A-E, Aa-Bd A-E, Aa-Ee	A-E, Q.Q , Aa-Ee A-K A-I, Aa-Gg A-F, Aa-Gg	
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